

PT
B
hose may be inserted through said opening and attached to said hose outlet, one end of said axle being sealed.

39. (new) The method of transporting a length of hose to an area only wide enough to allow passage of a skid steer or claim 38, further comprising the step of:

attaching a rotary union to a nonsealed end of said axle.

R E M A R K S

Applicants have carefully considered the above identified Office Action, and in response thereto are addressing each issue raised by the examiner in the remarks hereinbelow. In this regard, applicants are canceling without prejudice claims 1 - 19 and adding claims 20 - 39.

Claim Rejections 35 USC 112

Applicants have canceled claims 9 - 11 and 15 - 19 without prejudice; therefore, examiner rejections concerning these claims are moot.

Claim Rejections 35 USC 102

Applicants have canceled claims 1 - 3, 5, 8 - 10 and 12 without prejudice claims; therefore, examiners rejections concerning these claims are moot.

Claim Rejections 35 USC 103

Applicants have canceled claims 4, 6, 11, 13 and 15 - 19; therefore, examiners rejections concerning these claims are moot. Applicants argue that new claims 20 - 39 are allowable, because it would not have been obvious to one skilled in the art to substitute a skid steer for a truck. The Egerstrom '093 patent discloses a truck with a hose reel. However, the truck of Egerstrom has a width, which is wider than a skid steer; the truck must be backed into an area, unlike a skid steer; and a truck is not capable of traveling over extremely rough terrain as a skid steer. Further, a truck is used for hauling items and a skid steer is used for digging in the ground. Therefore, it would not have been obvious for one skilled in the art to substitute a skid steer for a truck.

Further, examiner is engaging in hindsight reconstruction by combining the Egerstrom '093 patent and the Cochran et al. '720 patent. The Egerstrom patent discloses a hose reel mounted to a back of a truck. The Cochran et al. patent discloses a skid steer having a quick coupler for efficient attachment of a bucket. The two patents are in two completely different classification areas and do not even have cross referenced fields of search. Skid steers are primarily used for digging in the ground and trucks are not. Hindsight reconstruction is not allowed by case law.

The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself. In re Oetiker, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992)

Interview with examiner

Applicants respectfully request that examiner take note of the telephone interview that occurred on June 18, 2003. The following topics were discussed during the interview concerning the Office Action:

The preamble of claims 15 - 19, attachment of the hydraulic reel to a skid steer and claiming structure of the hydraulic reel.

C O N C L U S I O N

It is respectfully submitted that applicants have responded in a fully satisfactory manner to all matters at issue in this application, and this application is now in condition for allowance. In this regard, applicants have made every effort to comply with the requirements set forth in this Office Action as well as statutory requirements. Accordingly, applicants respectfully request that the Examiner enter this amendment, allow the claims, and pass this application on to issue.

Respectfully submitted,



Donald J. Ersler
Reg No. 38,753

Dated: 6/30/03

Donald J. Ersler
Attorney at Law
725 Garvens Avenue
Brookfield, Wisconsin 53005
Phone: (262) 785-0160
Fax: (262) 785-0162